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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Tokelau

Working paper prepared by the Secretariat

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I. General

1. Tokelau,[1] a Non-Self-Governing Territory administered by New Zealand, consists of three small atolls in the South Pacific (Fakaofo, Nukunonu and Atafu), with a total area of approximately 12.2 square kilometres. Fakaofo is the southernmost atoll; Nukunonu is nearly 50 kilometres away and Atafu nearly 100 kilometres from Nukunonu. Each atoll comprises strips of land no more than 200 metres wide and never more than 5 metres above sea level. Samoa, 480 kilometres to the south, is the nearest sizeable neighbour.

2. Tokelauans are Polynesians with linguistic, family and cultural links with Samoa. The last five-yearly census, conducted on 11 October 2001, recorded a population of 1,518, a slight increase over the 1996 figure of 1,507 people. This figure includes all those present on census night plus those who usually reside in Tokelau but were overseas temporarily in government employment or for educational and medical reasons — a frequent occurrence in this Territory. By atoll, the population was recorded as follows: Atafu, 608; Fakaofo, 501; Nukunonu, 409. The constraints of atoll life and limited opportunities have led some 6,000 Tokelauans to settle abroad, mainly in New Zealand and Samoa.

3. The two main New Zealand appointees who engage with Tokelau have been the Administrator, appointed by the Minister of Foreign Affairs and Trade, and the Tokelau Public Service Commissioner, a delegate of the State Services Commissioner. In February 2002, at the request of the Tokelau authorities, Lindsay Watt, the Administrator, was reappointed for a further year. Aleki Silao, a New Zealand-based Tokelauan, remained in his post as Public Service Commissioner until 30 June 2001, when responsibility for public services was transferred to the Territory (see para. 15).

II. Constitutional and political developments

A. Constitutional developments

4. As reported in previous working papers on the question of Tokelau (for the most recent, see A/AC.109/2001/5), the process of constitutional development is continuing. In August 1998, the General Fono (the national representative body) endorsed a comprehensive report entitled "Modern House of Tokelau", which addressed the core issue for Tokelau in creating a constitutional framework: how to construct a self-governing nation based on the atoll or "village" structure. There is, as yet, no written constitution. Initial studies were done in the mid-1990s and a first glimpse of a constitution was published in 1996-1997 in Tokelauan and English. The constitution will be developed further as new governance structures for village and nation are decided on. It is expected to draw upon unwritten customary practice, the written rules of the General Fono and elements of New Zealand law. At the end of 2001, it was agreed that the General Fono's Special Constitutional Committee would be convened as soon as possible after the January 2002 elections.

5. Regarding the legislative structure, in accordance with recommendations made in the 1998 report, a new electoral system was instituted for the General Fono. In the past, the 27-seat General Fono was made up of members chosen by each village's Taupulega (Council of Elders or Village Council) to serve three-year terms; only the Faipule (the representative of each village) and the Pulenuku (the mayor of each village) were elected. In January 1999, elections for a reformed General Fono, made up of six members from each village (18 altogether), were held on the basis of universal suffrage. Each village first elected four officials: Faipule, Pulenuku, Deputy Faipule and Deputy Pulenuku. Next, it elected two delegates nominated by designated groups in the village: women and the aumaga (the workforce of able-bodied men). The new elected General Fono reflected a generational change in membership. Delegates were younger and had received more formal education than before. In addition, whereas in the past membership in the General Fono was rotational in nature, several of the new delegates had served previously.

6. In March 2000, senior elected leaders stated that they were now ready to embark fully on the Modern House project and in June 2000, the General Fono officially established the project. Overseeing it was a Joint Committee or management structure comprising Tokelau's six senior elected leaders, the Public Service Commissioner and the Administrator. In addition, a Transition Team was set up, including the heads of departments from Tokelau and a number of New

Zealand-based specialists, to provide project oversight, management, coordination, relations with sponsors (New Zealand Official Development Assistance and the United Nations Development Programme (UNDP)), monitoring, reporting and evaluation. In September 2000, a brief discussion document was presented to the three Village Councils and the people of Tokelau. The key point which was endorsed by the Tokelauans was the following: "The three villages are the traditional foundation of the nation. For the good government of the people their Village Council (Taupulega) should be the basis of future government." There was no question that the three villages wished to be one nation and that certain functions, such as transport, would be best performed by a national administration; nonetheless, the basis for leadership and decision-making was the village council.

7. In November 2000, the Joint Committee agreed on a programme that involved:

(a) Good governance, namely governance framework, constitutional development, management and operational structures and employer responsibility;

(b) Capacity development, namely the review of national and village administrations, the development of a management support training workshop, the identification of national, village and individual training needs and the development of appropriate training programmes;

(c) "Friends of Tokelau", namely the establishment of an organization to link outside individuals and organizations into Tokelau's development;

(d) National and village sustainable development plans.

8. In March 2001, the Joint Committee met to review progress on governance issues. Among the decisions taken were to note the Taupulega's agreement to a village governance structure for Nukunonu and to the appointment of a village General Manager by July 2001; to approve a capacity-building programme; to approve the appointment of a National Project Manager for 12 months and the appointment of part-time village coordinators; and to develop a Modern House web site. With regard to new management structures, it was agreed that the Taupulega was the basis of government and decision-making, that new structures should promote the concept of public service, incorporating both national and village services, and that Tokelau's limited resources and skills should be maximized by the coordination, integration and sharing of services whenever possible.

9. According to the administering Power, during the period under review, Tokelau and New Zealand have continued to see self-determination as a dynamic and evolving process — a largely self-generated approach to decolonization where the administering Power and third parties recognize what the people of Tokelau construct. Thus, the Modern House initiative or governance project, established officially in June 2000, has continued to move gradually from the planning to the implementation stage. In 2001, the focus continued to be on efforts to make traditional village leadership the basis for future government and to concentrate on the establishment of the Tokelau Employment Commission (see para. 15). There was substantial Tokelau and New Zealand interaction in both these areas. In May 2001, Tokelau officially took over the administration of local public services. The General Fono met in July 2001 and the Tokelau Employment Commission began to function as of that same month. In October 2001, the Council of Faipule and the Administrator held a strategy session in Samoa and the Ulu travelled to Wellington, and in late November 2001, the Administrator attended the General Fono.

10. At the General Fono meeting of November 2001, it was decided that representation within the Fono would be changed based on the results of the 2001 census. This meant that for the first time in General Fono history, the three atolls would not be represented by the same number of delegates, but would have legislative seats proportional to the size of their population. Thus, replacing the former structure of 18 members (6 per atoll), the new General Fono has 21 members, giving Atafu 8 delegates, Fakaofo, 7 and Nukunonu 6. The triennial elections for Faipule and other General Fono delegates were held from 16 to 22 January 2002. Each of the three incumbent Faipule was re-elected. Among the elected delegates, 11 of them (more than half the composition of the General Fono) have not held office before. The position of Ulu-o-Tokelau (titular head of the Territory) rotates annually among the three Faipule. In February 2002, Nukunonu's Faipule, Pio Tuia, was installed as Ulu for 2002.

11. The Council of Faipule and the Administrator held a further strategy session in Samoa, from 11 to 16

March 2002, to map out the direction for Tokelau in the next three years. The Council adopted a vision statement entitled "The Quality of Life for People living in Tokelau" and identified three areas of national priority which have the potential for economic development (see para. 20). The Council also worked on defining the obligations and commitments of the future partnership with New Zealand and discussed constitutional development. In addition, a legislative programme was developed focusing on such key areas as criminal law, business law and shipping and safety standards for dangerous goods (electricity, gas, fuel and pesticides).[2]

12. Another significant development during 2001 were the meetings held in New York in June between the Ulu, his delegation and the Administrator, and the Working Group for the Pacific Region of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. The Working Group was established under the chairmanship of Ambassador Peter Donigi of Papua New Guinea. The purpose of the June meetings was to develop a constructive programme of work to define key activities and to assist each partner in assessing Tokelau's progress towards self-determination. It was agreed that the text of the programme of work would be revised and expanded as the situation evolved and as further information was transmitted to the United Nations.

13. To support the development of a governance structure to fit Tokelau's cultural context, New Zealand allocated NZ$ 900,000 for the Modern House of Tokelau project in 2001-2002. The focus is on developing a governance framework attuned to modern needs yet founded on the traditional authority of the Taupulega (village council); capacity development through training programmes to support the new structures; production of a sustainable development plan; and establishment of a "Friends of Tokelau" network to channel support from New Zealand.[3]

B. Public service

14. The Modern House project is also Tokelau's way of addressing a historical problem stemming from its experience of an externally modelled Tokelau Public Service, under the management of the New Zealand State Services Commissioner, in accordance with the Tokelau Amendment Act 1967, part I. While the Tokelau Public Service could be seen as the administering Power's best endeavour in the 1970s to provide services in education, health, energy, transport and communications, by the 1990s both the New Zealand and Tokelauan authorities agreed that the Tokelau Public Service produced a management structure that emphasized national arrangements over village ones, weakening, in the process, the institution of the village. In July 1998, at the request of the territorial Government, the State Services Commissioner appointed a New Zealand-based Tokelauan, Aleki Silao, as Commissioner of the Tokelau Public Service in order to ensure the effective and efficient running of the existing Service and to assist Tokelau in developing and implementing a new independent public service that would fit within the Modern House project. The Government of New Zealand passed legislation to enable responsibility for the Tokelau Public Service to be passed from the State Services Commission in New Zealand to Tokelau.

15. On 10 February 2001, the General Fono adopted the Tokelau Public Service Rules 2001, which established a three-member Tokelau Employment Commission (one member designated by each village) as the successor body, effective 1 July 2001. The new Commission is the employer of former employees of the Tokelau Public Service and those who are deemed to be national-level employees after 30 June 2001. In ceremonies held in Wellington in May 2001, Tokelau officially took over the administration of local public services. Attending were the New Zealand State Services Commissioner and members of the Council of Faipule and the Pulenuku (the Cabinet and local mayors) from Tokelau. The new Tokelau Employment Commission began to function as of 1 July 2001; the three Commissioners were appointed, received training in Samoa in October and in New Zealand in November and assumed responsibilities on 30 November 2001. The former State Services Commissioner was retained as an adviser. In November 2001, the General Fono approved a Tokelau Public Service manual prepared with the cooperation of the Commissioners. The manual sets down the principles governing service, terms and conditions of work, as well as guidance for public servants. The costs of the Tokelau Employment Commission are to be borne by the governance project until June 2002 when they will be covered by Tokelau's budget.

III. Economic conditions

A. Economic developments

16. Traditional and communal values and practices play a key role in contributing to a state of general well-being and equity in the Territory, as evidenced by the redistribute principles of traditional wealth (the inati system) and the importance attached to upholding the concept of the family and/or the extended family. The tradition of inati requires the deposition at a central location of food and produce, which are then apportioned by the distributors on the basis of "share groups". The principle provides for a secure distribution system that caters to the needs of every member of the community, including the elderly, widows, single parents and children. Major constraints on economic growth include natural disadvantages, such as the small size of Tokelau, isolation, the geographical spread of the atolls, limited and poor natural resources and proneness to natural disasters (such as cyclones). Tokelau's economic stability has so far been made possible by the high levels of assistance provided by the administering Power.

17. In May 2001, representatives of Tokelau and New Zealand met in Wellington for discussions on the NZ$ 7.5 million allocation of the New Zealand Official Development Assistance bilateral programme in 2001-2002. Included in that amount was NZ$ 1 million for transitional support, primarily to maintain the momentum for Modern House of Tokelau initiatives. NZ$ 4.5 million would go towards ongoing support for self-government, with the remaining NZ$ 2 million allocated among the health and education sectors, power supply, maintenance, infrastructure, financial management, gender and development and meteorological services. For its part, Tokelau estimated that it would have revenues of NZ$ 1.7 million from fisheries licensing, duty, taxes, philatelic sales, freight charges and interest earned.[4]

18. In a paper prepared jointly by the Ulu and the Administrator in June 2001, they reflected on the traditional way of life of Tokelau and on the current reality. This new reality was seen as a product of many changing circumstances, namely, the growing contact with and material dependence on the outside world; the fact that people had the option of leaving the atolls to live in New Zealand; and the existence of a dual economy where subsistence and cash sectors intersected and where traditional activities decreased in importance because of monetization and public sector employment. The challenge was seen as being able to come together in order to deal with the functions that were beyond the capacity of the village and to pursue joint economic activities, such as fisheries.

19. In July 2001, a business training programme began as part of the Modern House of Tokelau project. It was a proposal by the Samoa Business Enterprise Centre and entailed a two-phase project which was to culminate in September with Tokelau business people selling goods at Samoa's Teuila Festival. The training included an introduction to gender awareness, basic business management and customer service. While in Apia, trainees also were to attend a small business conference run by the Enterprise Centre and visit successful Samoan business enterprises.[5]

20. Tokelau also aims to complete a Sustainable Strategic Development Plan for 2002-2004 and beyond. This would be the governance project's economic dimension and would aim to expand economic and social opportunities, thereby increasing the village and national revenue base and, thus, Tokelau's self-reliance. At the strategic meeting, held in Samoa in March 2002, the Council of Faipule identified three areas of national priority which have potential for economic development, namely, commercial fisheries, successful businesses and critical infrastructure. The Council will review progress in these three areas at the end of each year.

21. Regarding commercial fisheries and bearing in mind the potential of its own Exclusive Economic Zone, Tokelau is planning to apply for membership in the Forum Fisheries Agency. Meanwhile, it has asked the Agency for assistance in conducting an audit of the Territory's maritime resources. In addition, in order for Tokelau to forge productive economic associations with its neighbours, it is formalizing its maritime boundaries. The boundary between Tokelau and American Samoa was formalized by means of a treaty between New Zealand and the United States in 1980. More recently, arrangements were made in 2001 to complete a maritime boundary agreement with the French territory of Wallis and Futuna. Still to be discussed are maritime boundaries with Samoa and with Kiribati (Southern Line Islands). Furthermore, given that the flow of persons and goods to and from Tokelau is only possible through the mediation of a foreign State (mainly, Samoa), consideration is also

being given to signing a memorandum of understanding with Samoa and, possibly, with American Samoa, as was done in 1996 with Tuvalu.

22. Plans are also moving ahead for the establishment of a Tokelau Trust Fund. Tokelau has set aside NZ$ 680,000 from its fishing licence review as a contribution and New Zealand has matched that sum from New Zealand Official Development Assistance funding. Future contributions by New Zealand will be discussed once the remaining steps have been taken for the formal establishment of the Trust Fund.

23. While the bulk of development assistance to Tokelau has been bilateral support from New Zealand, UNDP also contributes from its office in Apia to the strengthening of the Territory's social and economic capabilities as it moves towards greater self-government and self-reliance. Within the Tokelau/UNDP country cooperation framework for 1998-2002 and the UNDP programme of assistance,[6] the governance project provides total UNDP funding of US$ 214,000 in direct support to the Modern House project. It focuses on macro-level financial management and strategic economic planning and stresses the management of the public power supply considered vital for the functioning of both Government and the community. The job creation and sustainable livelihoods project, implemented by the International Labour Organization with funding of US$ 148,000, aims to develop the private sector in the three atolls by stimulating small, home-based enterprises, diversification in agriculture and development of fisheries. Both projects are linked to job creation and sustainable livelihoods programmes within the Enterprise Development Agency newly created by the New Zealand Official Development Assistance. Other ongoing projects are the household income and expenditure survey, with US$ 150,000 allocated to Tokelau, which aims to provide the Government with data on the needs of vulnerable sectors (youth, women, children, the elderly and the disabled) and a project to improve the monitoring and oversight capacity of the UNDP country office in Samoa.

B. Transport and communications

24. Transportation to and from Tokelau has so far been provided by the *MV Tokelau*, a mail ship which provides service every two weeks between Tokelau and Apia as well as inter-atoll services. In September 2001, the *MV Tokelau* ran aground on a reef at Nukunonu atoll. No one was hurt during the accident.[7] After initial attempts to pull the vessel off the reef failed, it was successfully refloated by a specialized salvage crew and towed to Fiji in mid-October 2001 for official inspections and repairs.[8] Meanwhile, other vessels were chartered at greater cost and at the expense of flexibility in the service. The *MV Tokelau* became operational again in January 2002.

25. The first use of the General Fono's legislative power was the establishment of the Telecommunications Tokelau Corporation under the Tokelau Telecommunications Rules of 1996. The NZ$ 4 million international telecommunication service was inaugurated in April 1997 and is contributing to the Territory's progress towards self-determination by facilitating Tokelau's contact with the outside world. Previously, Tokelau had to rely on short wave links to Samoa. Of the total cost, New Zealand contributed NZ$ 1.5 million and Tokelau NZ$ 1.6 million. UNDP and the International Telecommunication Union provided the balance. In February 2002, FM radio stations were inaugurated on each of the three atolls with funding from the New Zealand Official Development Assistance. Currently, they operate independently, but there are plans to link them at least once a week for a national programme. The new radio stations are seen as an excellent means of maintaining the Territory's cultural heritage as well as a way of facilitating communication on community matters. They carry information about meetings of the Mayor and Council of Elders, boat schedules, interviews and music. Tokelau also has a web site, www.dot.tk, which became operational on 15 January 2002 and offers both free and paid dot.tk domain names. The web site is the result of a commercial licensing agreement between the Telecommunications Tokelau Corporation and a private company which set up Taloha Inc. It is seen as having the potential to provide revenue to the Territory without any capital outlay by the Telecommunications Tokelau Corporation. Meanwhile, efforts continue to enhance e-mail facilities and teleconferencing connections using Modern House funds.[9]

C. Power supply

26. The 2001-2002 forward aid programme of the New Zealand Official Development Assistance

allocated NZ$ 400,000 for the completion of the power supply project for Tokelau begun under the previous budget, which would result in the installation of a diesel generation system on all three atolls. Tokelau was continuing to work on determining a management structure for the new power system. There was also a proposal for a solar power component to the new system, for which it was hoped funding would be shared between the New Zealand Official Development Assistance, France and UNDP. The Renewable Energy Programme of the Secretariat of the Pacific Community, funded by Australia and France, was also seen as a possible source of funding.[4]

IV. Social conditions

A. Education

27. Under Tokelau's compulsory education system, primary and secondary education are available to everyone. As a member of the University of the South Pacific, Tokelau also has access to the USPNet educational telecommunications system through a satellite established in Atafu. However, the low standard of the education system remains a problem, with many families migrating to New Zealand or Samoa in order for their children to receive higher-quality education. Under the forward aid programme 2001-2002 of New Zealand Official Development Assistance, NZ$ 208,000 was allocated for scholarships, NZ$ 200,000 for new education initiatives and NZ$ 30,000 for three Voluntary Service Abroad teachers' allowances. Following a request from Tokelau, the New Zealand authorities are considering the possibility of offering scholarships for vocational training, as an alternative to tertiary scholarships. Among the new education initiatives discussed was the possibility of New Zealand providing more structured support for the Territory's education system through a mentoring arrangement to foster links between both systems and assist in the channelling of project funds.

B. Health

28. Average life expectancy is 69 years.[10] There are three hospitals, one on each atoll. However, the shortage of qualified medical practitioners, surgeons and general healthcare workers remains a serious problem. The necessity of transferring the more serious cases to Samoa or New Zealand for treatment represents a large expense in the national budget. The World Health Organization (WHO), of which Tokelau is an associate member, reports that changes in lifestyle and an increase in non-communicable diseases in Tokelau have resulted in the need for health education programmes focused mainly on the promotion of non-smoking, increasing physical activity and controlling the use of alcohol among young people.[11] According to WHO, the first Tokelauan WHO fellow from the Bachelor of Medicine-Bachelor of Surgery programme at the Fiji School of Medicine graduated in the biennium 1998-1999. The United Nations Volunteers programme has covered the need for a surgeon and maternal/child health practitioner and a preventive oral health programme is being developed. WHO also reports the installation of a diagnostic service facility in Nukunonu, which includes a laboratory and an X-ray unit. As at November 2000, Tokelau had no recorded cases of HIV/AIDS.[12]

29. For 2001-2002, NZ$ 320,000 was allocated to the health sector to cover set costs, locum doctors, training and equipment. It was agreed during the annual programme discussions that funding for proposed modifications to the atoll hospitals would be considered within the maintenance project for public buildings.

C. Status of women

30. Women are well integrated in Tokelauan society. They participate fully in the village decision-making process, through Fatupaepae (women's committees), the village Councils of Elders and their membership in the General Fono. The new electoral system for the General Fono has increased gender equity. Women elected to the General Fono no longer function as the representative of the women's committee, but are responsible for representing all the people of the village. At bilateral New Zealand Development Assistance–Tokelau discussions held in May 2001, New Zealand regretted its inability to fund proposals within the gender and development sector as they were mostly for unsustainable business activities. It was hoped that the planned assistance with business planning and training from the Samoan Women in Business Foundation would enable more workable business ideas to be developed in the future. New Zealand advised that proposals did not always have to

be business-related; they could include community development activities or work with women's involvement in the Modern House of Tokelau.[4] The forward aid programme for 2001-2002 allocated NZ$ 30,000 to gender and development projects.

V. Consideration of the question by the United Nations

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

31. The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples considered the question of Tokelau at its 7th meeting, on 28 June 2001 (see A/AC.109/2001/SR.7). The representative of Papua New Guinea made a statement in the course of which he introduced draft resolution A/AC.109/2001/L.12 on the question of Tokelau. Statements were then made by the Ulu-o-Tokelau, the Administrator of Tokelau and the representative of the Syrian Arab Republic. Finally, the Committee adopted the draft resolution without a vote (A/AC.109/2001/24).[13]

B. Special Political and Decolonization Committee (Fourth Committee)

32. At its 3rd meeting, on 8 October 2001, the Special Political and Decolonization Committee (Fourth Committee) of the General Assembly heard a statement by the Permanent Representative of New Zealand to the United Nations (see A/C.4/56/SR.3). At its 4th meeting, on 9 October 2001, the Committee heard a statement by the Permanent Representative of Papua New Guinea to the United Nations (see A/C.4/56/SR.4). At its 7th meeting, on 16 October, the Committee adopted draft resolution V, entitled "Question of Tokelau", contained in chapter XIII, section E, of document A/56/23, without a vote.[14]

C. Action by the General Assembly

33. At the 82nd meeting of the General Assembly, on 10 December 2001, the Acting Chairman of the Special Committee reviewed the Special Committee's work during 2001 and introduced the report of the Special Committee contained in document A/56/23 (see A/56/PV.82). With regard to Tokelau, he stated that the meetings held in June by the members of the Special Committee with the representatives of New Zealand and Tokelau had been very instructive. They had discussed the best way to work in partnership to ensure that any eventual plan for self-determination would reflect faithfully the wishes of the people regarding their future political status and living conditions. The Special Committee looked forward to future meetings on that issue. That experience had also shown how the case-by-case work programmes for decolonization could be a useful tool when there was the cooperation and good will of all parties involved. Encouraged by the meetings on Tokelau, the Special Committee looked forward to greater involvement in its work by all the administering Powers. In resolution 56/74 of 10 December 2001, the General Assembly welcomed the ongoing consultations between the Special Committee and New Zealand, as administering Power for Tokelau, with the participation of the people of Tokelau, with a view to formulating a programme of work on the question of Tokelau. On 10 December 2001, the Assembly adopted its resolution 56/71 on the question of Tokelau without a vote.

D. Request for admission to the United Nations Educational, Scientific and Cultural Organization as an associate member

34. On 15 October 2001, at the 2nd meeting of the Thirty-first General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO), Tokelau was admitted as an associate member upon the request of the New Zealand Minister of Foreign Affairs and Trade. The Tokelauan delegation could not be present at the meeting, as it was called home en route to Paris owing to the *MV Tokelau* shipping crisis (see para. 24). In a statement delivered on behalf of Tokelau by the New Zealand delegation, Tokelau stressed that participating to the fullest extent possible in regional and international

institutions such as UNESCO was a development goal and added that Tokelau had benefited from UNESCO activities in the past through its regional programmes in the Pacific and looked forward to further fruitful cooperation.

VI. Future status of the Territory

A. Position of the administering Power

35. Speaking before the Special Committee at its 7th meeting on 28 June 2001 (see A/AC.109/2001/SR.7), the Administrator of Tokelau, Lindsay Watt, said that, thanks to the dialogue with the Special Committee's Working Group that week, members would have available, at least informally, substantially more material on the Territory than was usual. In addition, the delegates would be seeing a documentary called "Our Small World", which presented a vivid picture of everyday life and was applicable beyond the particular village shown. The documentary would allow delegates to appreciate the size and nature of the challenge facing 1,500 people living in the atolls, as they sought to survive as an entity, culturally proud in their uniqueness, and provide well for their modern needs. He hoped they would see something of the human dimension that lay behind Tokelau's journey as it sought to shape a form of self-determination in a context without precedent in post-war decolonization.

36. Progress was being made in the constitutional, political and social spheres under the headings sustainable governance, sustainable partnership and sustainable development. The focus was on arrangements that could endure: on helping Tokelau succeed in its self-government; on finding workable systems that would sustain Tokelau as a living community; on defining the special relationship between Tokelau and New Zealand in ways that would give certainty, and thus confidence, to the partners. Arrangements, in short, which could survive future changes of Government and indeed of generations. By taking the step-by-step approach, one would be helping Tokelauans to see self-determination in a local frame, to see its local utility, to ask questions and so to generate local debate. That was why Tokelau and New Zealand anticipated that self-determination was most likely to be a confirmation of governance systems that Tokelau had worked out internally, taking account of what had been worked out by that time with its partner.

37. As the joint paper which had been presented stated, the practical question was: "what is it that a community of 1,500 people realistically can do — what is it they can control, how many things can they do well and succeed and how is Tokelau's autonomy to be appropriately sustained by the outside?" The Administrator believed the validity of the question would be more evident once members of the Special Committee had viewed the documentary, when it was appreciated that Tokelau was but three villages, without any political centre or tradition of national government; and that the particular village shown was located on an islet of only some 200 metres in circumference, all of which underlined why it would be unrealistic to set up, among those three villages, the normal paraphernalia of statehood.

38. Mr. Watt added that a core principle was that an external support structure should be an extension of Tokelau's self-government and should link productively into the village and national structures as they took shape under the Modern House project. A practical requirement was that there should be some coordinating facility in Wellington which would assist the further development of links between Tokelau and New Zealand, for example in the form of training and secondment opportunities. Every encouragement was being given to take a "whole of government" approach, the emphasis being on the deployment of resources to an identified need, irrespective of where such resources normally resided, in ways that promoted local initiative and ownership.

39. There was also a wider dimension to the arrangements that were coming into place, among them the launching in Wellington in May 2001 of a "Friends of Tokelau" entity to bring together people in the wider New Zealand community who might wish to lend their support at that critical point in Tokelau's development. It had been most encouraging to see how the Modern House project was enabling Tokelau to tap into the skills of its New Zealand-based community of some 5,000 people. Concluding, Mr. Watt said he was confident that the meetings in New York would show that good understandings had been reached and good progress made on the basis of the recognition that Tokelau's path necessarily was a distinctive one.

40. Speaking before the Special Political and Decolonization Committee (Fourth Committee) at its 3rd meeting on 8 October 2001 (see A/C.4/56/SR.3), the Permanent Representative of New Zealand to the

United Nations said the continuing role of the United Nations in the process of decolonization remained important to many delegations. New Zealand continued to have responsibility for Tokelau, which remained on the list of Non-Self-Governing Territories. Tokelau faced an extraordinary challenge because of its situation — it consisted of three atolls, each separated from the other by large stretches of the South Pacific, none of which was more than 200 metres wide nor higher than five metres above sea level. It had a total population of 1,500. There had never been a resident administering Power presence on the Territory.

41. As the Administrator of Tokelau had said before the Special Committee on 28 June 2001, Tokelau and New Zealand saw self-determination as a dynamic and evolving process. Tokelau's need was to devise for itself a form of self-government that fitted its cultural context through a process of local empowerment. What one saw in Tokelau was a largely self-generated approach to decolonization, where the administering Power and third parties recognized what the people of Tokelau constructed. The Ulu-o-Tokelau had told the Special Committee in June that the people of Tokelau did not see self-determination as a sudden vote on the existing three options; they were not looking at the issue with only the free association option in mind but were also looking at the full integration option in order to make an informed choice.

42. A major step towards self-government in Tokelau had been the withdrawal of the New Zealand State Services Commissioner from his role as employer of the Tokelau Public Service as from 30 June. With regard to the development of Tokelau's international personality, he pointed out that Tokelau's admission to UNESCO as an associate member was set for 15 October 2001, the first day of the UNESCO General Conference.

43. The Permanent Representative added that New Zealand had responded to the General Assembly's call in Assembly resolution 55/147 of 8 December 2000 for the administering Powers to cooperate fully with the Special Committee to finalize a constructive programme of work on a case-by-case basis for the Non-Self-Governing Territories. During their visit to New York in June, both the Ulu and the Administrator had met with members of the Special Committee's Working Group for that purpose. Very good progress had been made in elaborating key activities. He was hopeful that a programme of work could be developed before the end of the year in keeping with the wishes of the General Assembly, to serve as a framework which could assist each partner in assessing Tokelau's progress towards self-determination.

44. Finally, he added that the issue in Tokelau was not about eliminating colonialism but about resolving issues of governance for the very smallest of States. New Zealand remained committed to working with the Special Committee and abiding by the freely expressed wishes of the people of Tokelau on their future status. It continued to respect Tokelau's wish to move at its own pace on the process of self-determination.

B. Position of the people of Tokelau

45. At the 7th meeting of the Special Committee on 28 June 2001, the Ulu-o-Tokelau made a statement (see A/AC.109/2001/SR.7). He recalled that in July 1994, Tokelau had told the United Nations visiting mission and the Government of New Zealand that it would actively consider exercising its inalienable right to an act of self-determination. For Tokelau, that had been a very bold and unprecedented move, a radical step given the extremely cautious and conservative approach to the question taken by the elders in previous years. For a long time, their wish had been to retain the status quo, to stay within the safety of the known. Almost seven years since Tokelau had entered uncharted waters and had felt the vulnerability of exposure to new ways of doing things, it could justifiably feel proud of its achievements, which were well documented and soon would slip into the realm of lived tradition, as if they had always been part of the cultural mores of Tokelau.

46. He noted assurances he had received from the Special Committee that Tokelau would not be neglected, but would support endeavours to work through the plan of action to make possible self-determination, and that the Special Committee and its Working Group would not force Tokelau to adopt governance structures that were inconsistent with its values, cultural norms and practices. He also noted the Special Committee's understanding and acknowledgement of the situation and the characteristics of Tokelau and that there was flexibility with moveable boundaries and time frames. The need for continuing moral support from the Special Committee would be very critical to the success of the

process towards achieving the act of self-determination.

47. The Ulu said that a framework of confidence, trust and mutual respect had emerged from the meetings with the Special Committee. An encouraging and nourishing environment was needed for creative and innovative solutions that would suit Tokelau in the present and in the future, and would give it the freedom to develop in its own way. Tokelau was not approaching the self-governance/self-determination question with only free-association in mind; it was also looking at the full-integration option in order to make an informed and educated choice. The act of self-determination would not necessarily be a sudden vote on the existing three options, because what had gone on previously had been a long process of elimination and negotiation with the administering Power on the merits and demerits of the free-association and integration options.

48. Governance and capacity-building were two important areas that would continue to be consolidated through the Modern House project. Much energy would be required to support the equal development of all three villages — most especially the councils of elders, which would be a major focus over the following 12 months. Of equal importance would be the special attention paid to the economic sector. In that regard, Tokelau appreciated the emphasis placed by the Chairman of the Working Group on the development of fisheries. Also deeply appreciated was the serious intent with which the administering Power took its responsibilities. New Zealand had demonstrated its commitment to follow the Tokelau process and had committed extra resources and ongoing material support for the Modern House project and the establishment of a Tokelau Trust Fund. The depth of understanding of the situation attained by Lindsay Watt, the Administrator, had contributed immensely to the success of the Tokelau process. He was truly a master fisherman of great renown and the children of Tokelau would remember him for his visionary wisdom.

49. The Ulu-o-Tokelau said he had seen and experienced during his visit a closing of the gap. Tokelau and New Zealand had consistently worked closely together in the process. The atmosphere afforded by the talks on a programme of work for Tokelau had put a warm human face on the Special Committee and not a distanced and cold bureaucratic one. Concluding, he spoke of his sense that self-determination for Tokelau was about dealing with the struggles and the search of humanity. It was about finding a place in the sun, a struggle for survival, a place for growth, a place to pray in peace, a place to walk as an equal among good men and women. The people of Tokelau were not that different from those who were in attendance that day. He would be happy to welcome the Special Committee in Tokelau early in the following year, but asked for time to consult his other partner further so that the visit could be beneficial for all three. That was the way of a family and he was proud to be an equal member of that family.

Notes

[1] Updated information contained in the present paper has been derived from information transmitted to the Secretary-General by the Government of New Zealand on 21 and 25 June 2001 and 11 March 2002, from the organizations of the United Nations system and from published sources.

[2] Communiqué, strategy meeting, 11-16 March 2002, Apia.

[3] Ministry for Foreign Affairs and Trade, www.mft.govt.nz.

[4] Tokelau/New Zealand Official Development Assistance annual programme discussions, Agreed Records, 25 May 2001.

[5] Newsletter for Transition Team and Joint Committee, vol. I, issue 2, 6 July 2001.

[6] UNDP programme of assistance to Samoa, Cook Islands, Niue and Tokelau, March 2001.

[7] Niue Economic Review/PINA Niue Online, 19 September 2001.

[8] Niue Economic Review, 17 October 2001.

[9] Press release, "History in the making" (February 2002), and information transmitted by the Administrator of Tokelau.

[10] UNDP, Pacific Human Development Report, 1999.

[11] Information received from WHO on 19 March 2001.

[12] WHO data reported by Pacific Islands Report/Radio Australia, 1 December 2000.

[13] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 23* (A/56/23), chap. XI, para. 203.

[14] Ibid., chap. XIII, sect. E, para. 225.